Transcription ICANN Durban Meeting

Open Substantial Strategic Discussion

Saturday 13 July 2013 at 09:00 local time

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Coordinator: This conference is being recorded. Thank you.

Jonathan Robinson: Good morning, everyone. If I could ask the councilors to please take their seats? Welcome, everyone. And we'll commence in just a moment as it's 5 minutes past the hour.

Right, good morning, everyone, and welcome to our Council weekend sessions and the GNSO working sessions on this lovely sunny weekend in Durban in South Africa.

I'm not sure how much sun we're going to see in this building. It feels like we're in an isolation tank...

((Crosstalk))

Jonathan Robinson: Yeah, exactly, it's big enough to fit the sun we think. So enjoy the picture of sunny Durban. For those of you who don't know I spent the early part of my life living in Durban although it was a long time ago that I wouldn't - I can't even remember it so that's ancient history but a place I'm relatively familiar

with once upon a time. It does look like if we do manage to get outside winter in Durban looks nicer than summer in many parts of Europe I suspect.

Okay I note there's a bit of an echo on the audio and I think it's coming from people logged in to the Adobe room and it not necessarily being mute so if you can check your settings on Adobe and make sure that you're on - that you've muted that so it doesn't cause a feedback that would be great.

So welcome to all the councilors who have - who had long journeys to get here. Welcome to those of you in the room who have come to either listen and/or participate in these weekend sessions. It's great to have you here.

These are open sessions. This is an opportunity to make sure we are properly familiar with and have discussed many of the active projects within the GNSO and to highlight where the work is going on, where there's opportunity for input and management.

Most of you will be very familiar with the Council's role as policy - as manager of the policy development processes within the GNSO. And so it's an opportunity for us to review progress in many of those areas and interact with other key members of the community over the course of the next couple of days.

We've got a full agenda. There's actually no break scheduled in the morning but I'm going to try and get us to have a break after the first couple of formal sessions.

But as of the last two or three meetings we've kicked off with a more open and freeform session. This came out of having a wrap-up session which was more discussion-oriented and open ended. And there was a recognition that these were particularly productive sessions so we instituted a couple of meetings ago the opportunity to have a similar type of meeting at the outset.

As you know we've been focused, as a Council, on working effectively together, building some effective and slightly changed working relationships with other key stakeholders like working effectively with the Board, the GAC and the ccNSO.

We've done some good work on getting the workload under control and it feels as if we are not drowning under the workload that we're having to manage. So the work schedule, to my mind, seems management. I'll welcome any feedback on that. The action list seems to be something that drives us to rapid and productive resolution of short term items.

There's nevertheless an opportunity, it seems, for continuous improvements. and to me that's one of the themes that we should be looking at in the background. We've talked about the possibility - there's a knowledge that the various reviews going on or potentially reviewing the work of the GNSO and the Council.

And to my mind we talked about it with the Board at the last meeting in Beijing about the possibility of us reviewing elements of our own work and being in a cycle of continuous improvement. And it seems to me that that's a natural way in which we should expect to work.

But for now we have an opportunity - and I really encourage everyone to participate and contribute to bringing some items onto an agenda. I've got a couple of suggestions of some key themes that have been on our plate for the last while.

One of them that seems to have been bubbling up is ensuring a continued role and relevance of the policy work and that it isn't bypassed through work on - that seems to be implementation or that other decisions are taken which bypass the important work of the GNSO and the management role of the Council. Some of that has been picked up by the Policy and Implementation Working Group.

There's a sort of continuous murmur, if you like, about the efficiency and effectiveness of the PDP process so that might be something we could discuss. There was a recent discussion on the Council list with a little bit of frustration expressed about how us making decisions in - or appearing to make decisions in Council meetings and then those being somewhat watered down by the discussion over the period prior to producing an output.

So it's very clear when we vote and we make a motion on something we make a decision and that's either voted on or not. But the question is how do we produce output via other mechanisms and in such a way that it's satisfactory.

I mean, personally I think we did some very good work in and around - and I know it was probably one of the most controversial issues we've dealt with - in and around the Strawman. We worked hard both in backroom discussions, on-list and in various ways to produce some form of consensus output that generally had very broad buy-in.

So I think that's something we might want to talk about. One of the other things that's been flagged with me, and I'd like to hear any input is about working group participation, which has probably been an ongoing issue.

But the Council initiates this policy work in working groups and then the challenge is if we can't get sufficient participation in working groups our ability to manage in limited or nonexistent resources around sufficient volunteers is an issue.

So the first question really for everyone is I've suggested a couple of things in that last set of points on, you know, the role and - of the GNSO policy making process and how we make sure that that continues to be relevant, the effectiveness of the PDP process, our own decision making and how we

produce output other than via voting on motions and the like, working group participation. I'm open to any other points.

So I'd like some suggestions, first of all, at topics or areas that you feel we could productively discuss in this initial session. But let me stop here and see if there's any other topics or key points that people would like to cover, councilors would like to cover or frankly even suggestions from the floor. But let me give it to the councilors first if there are any suggestions of things that we should be covering in this initial session.

Yes, don't be frightened. We welcome any contributions. It's a little early for everyone to start on a free form session, we're all catching up on prior work.

Let me start off then on this topic. I know that a couple of you have pointed to the fact that we have a discussion within the Council meeting. We appear to produce some form of output or we work at producing output. And then it either gets watered down or doesn't get - we don't produce output.

Are there any thoughts as to are we being effective or not when we're asked - or should everything be voted on in order to produce clear outcomes from what - when the Council is doing work other than by voting on a motion or something similar? Any thoughts or input on that?

John.

John Berard: So this is John Berard from the Business Constituency. I guess you're talking about the after action list activity with regard to policy and implementation, which has led now to the motion that we'll have before us on Wednesday?

Jonathan Robinson: John, I'm not - I wasn't specifically referring to one particular issue. But it was...

John Berard: So let me see if I can frame this in a way that appeals to my modest
                intellectual capability here. We've got a working group that is being put
                together on policy and implementation, is that not right? Didn't a call go out
                for members to join the working group?

Jonathan Robinson: Yeah and that group...

((Crosstalk))

John Berard: Right, so my question - my first question is just statistical. How many people
                have volunteered to be on that working group at this point?

Jeff Neuman: Can I just - I think what we have now is we have a drafting team that's
                completed their charter and we're going to consider that. So there's been no
                call for a working group yet.

John Berard: Is that true? I mean, there's been no - so I'm misreading the list then?

Marika Konings: So this is Marika. So we indeed formed a drafting team that has not
                developed a charter that was submitted in time for the GNSO Council to
                consider at this meeting. Once the charter is adopted then a call for
                volunteers will go out to form a working group.

                But in relation - I don't know if you're referring to the lack of volunteers for
                recent projects. I think Jonathan was more specifically referring to the Metrics
                and Reporting Working Group as well as the Translation and Transliteration
                PDPs where we only have - I think for initiative - four or five people that have
                signed up.

John Berard: Right. So this is axiomatic of what happens in the Business Constituency as
                well and we've been fortunate to have a number of our members who have
                volunteered but that is a very small number of our members who have
                volunteered.

And I - one of the things that I don't quite - I'm not able to grasp is the apparent difference between the heat with regard to a certain issue on the email list and then the lack of that heat; we're turning into people volunteering to take on this work.

So I will admit I have been - I have been beaten about the head, as many of my fellow councilors have, about why are you so slow? Why are you so nonresponsive? Why are you this? Why are you that?

And I guess, you know, I don't know how to answer those questions because I feel as if the issues are surfaced, the opportunities are presented, but that we have not been able to capture the imagination of our community colleagues to participate. I don't know. I realize it's early. I'm whining. I apologize.

Jonathan Robinson: John, thanks for your contribution. What I was hoping to do there in my introductory remarks is highlight a couple of issues that we might discuss. One of them is our ability to initiate work through the working group model and then our apparent inability in some cases, which speaks to your point, sometimes when there's a lot of, as you said, heat in and around an issue but then insufficient later participation in doing the hard yards. So that's Issue Number 1.

Issue Number 2 is we have a bunch of formal processes and the ability to vote and decide to get some of our formal work done. Other of our less formal work, where we're asked to give perhaps policy advice - and this does touch on the ultimate work of the policy and implementation working group - but to produce output, a letter, for example.

There was a requirement to write a letter recently to the Expert Working Group. And then we get into a discussion about the content of that. And there was some frustration expressed on the list as to why do we produce - we

have a discussion which appears to produce an outcome and then subsequently doesn't have quite the substance that some imagined it should have.

So these are two separate issues. One is working group participation. One is methods and approaches to producing output that is not the standard motion-based or voting-based activity. Okay, Jeff.

Jeff Neuman: Yeah, I mean, and I think I'm one of the ones who brought up the issue of it seems like we get a lot of passionate discussion at the Council level and then things just disappear until the next Council meeting. And it feels like there's just a lack of momentum that's kept up whether it's a formal working group or not.

And, you know, one of the things that councilors often say on the Council call is well I got to get back to my constituency or stakeholder group. And I understand that, that's fine. But what would be good is if we can get into the practice of actually when we - letting people know when we're getting back to our stakeholder group or constituency, what we can expect as far as timelines of getting a response and actually having the dialogue in between the meetings.

So if the Registries - if I say, look, I need to go back to the Registries and get some thoughts on it then I should, during a Council meeting, say I'm going to do - I know we meet biweekly so I'm going to bring this up at my next meeting which happens to be next Wednesday and I will come back to the Council and give you an update via email as to what happened.

I think we need to get more into the habit of doing those email communications and letting the rest of the Council know. Because right now it sounds like - and I'll just put out there - it sounds like an excuse on a lot of calls when people say I got to get back to my constituency.

It really sounds like, A, you probably should have had this discussion at the constituency level anyway or, B, that you're just buying time until you can get to the next Council meeting and speak, you know, speak at the mic or speak during the call.

I think we should all get into more of a kind of a project management mentality of look, I got to get back to my stakeholder group. Here's the steps I'm going to take. And I promise to get back to you within X number of days or a couple weeks with an update, not necessarily a decision, but an update. And we don't get those updates.

And, I admit, I got to do a better job too on behalf of the Registries in doing that. So we're all kind of at fault at that. But I think if we keep each other in the loop it's something that will build more trust amongst all of us and not just automatically thinking that when someone asks for a deferral that it's basically just to buy time.

Which is, frankly, one of the reasons I introduced the motion on the bylaw amendments that we'll talk about later so many weeks in advance. And if anyone comes to me and says we just haven't had time to discuss it as a constituency or stakeholder group, I mean, my reaction is going to be complete distrust.

Now if you come to me and say, we've had great discussion but we need some more time because these are the issues we're grappling with and we just haven't figured it out, I could certainly understand that. But, I mean, that motion now has been out there for three, four weeks almost or at least three weeks it's been out there, as a topic we discussed.

And so, you know, that's the kind of thing I think we need to build some trust within us and I think that's one of the things that we can do.

Jonathan Robinson: Thanks, Jeff. I mean, I've got Wolf next in the queue and please let me know if anyone else wants to be in the queue. I think I heard two different themes there from you though. One is when and if there's a discussion in and around any particular issue is commitments to action, is that - Joy, in the queue.

Yeah. And this commitment. The second is so there's how we manage our commitments to action that we make to one another. And that strikes me that some more regular farming and maintenance of the action list might be a remedy there.

The second issue you seemed to bring up was about how we manage - or I guess they're interrelated but one is the more formal business of the Council in and around motions and deferrals and voting and how we get to those - get to make decisions.

((Crosstalk))

Jeff Neuman: I think the second issue was more about communication to build trust.

Jonathan Robinson: Yes.

Jeff Neuman: The more we communicate the more we can trust each other. And I think part of that, in my mind, is when we deal with whether it's a motion or just, you know, an action item coming out of a meeting, you know, we're - it's just better to communicate afterwards either via email or otherwise just to let them know.

Because, you know, everything seems to be done in a silo and it shouldn't be - we shouldn't be surprised - it shouldn't be every four weeks or every couple months that we actually have these discussions in person. We should just have a better understanding of what's behind some of the discussions that

are going on because I do know that the discussions happen but we obviously aren't privy to each other's conversations necessarily.

Jonathan Robinson: Thanks, Jeff. Wolf-Ulrich.

Wolf-Ulrich Knoben: Thanks, Jonathan. Wolf-Ulrich speaking. The points - where the so-called frustration may come from - that is one point which Jeff raised and, you know, that is connected to the processes. We have (great), well, to work on the process and the stakeholder groups are working on it. So it is then the question how to manage this within the stakeholder group and so on.

But in addition to that - what I wanted to know is, you know, we had the conversation on the list is this is just an issue of how to manage this discussion or if it's a more - an issue about how we find - how we find these decisions, as Jonathan mentioned at the beginning, if it's connected to the way we are dealing with decisions, well, to bring up motions and then decide on motions or if it there are different ways, well, to find out.

And the question is then what is the real - the real reason of these frustrations expressed on the list. Is this the frustration with the kind of taking decisions and making motions? Or it is just a frustration with, as you expressed, Jeff, as we handle it or we may handle the decision making within our stakeholder groups which is a procedural question.

So this is what we should talk about. And when I raised this question on the list whether we should think about a kind of consensus-finding, consensus-building alternately to the decision taken we are (unintelligible) right now I got very good responses to that.

Even I got response - I remember, from Bruce, who is also on our list and he's looking at our list. And he was saying so decide here maybe something which is also the Board is thinking about, a way it's dealing with, you know, in some cases, well, to find consensus on that.

And it would be helpful as well and if you continue with that discussion later on, well, to get some input also from that side, from both the sides maybe, to that discussion and to help us - assist us in finding out, you know, the way we are dealing with this. Thank you.

Jonathan Robinson: Joy, you had something to add.

Joy Liddicoat: Thanks. Joy Liddicoat from the Non Commercial Stakeholder Group. Saturday morning, I'm a little bit tired and sort of feel that we've started the meeting by - unduly berating ourselves for our lack of progress at the last meeting.

I mean, I think there's been something like 336 messages on the list since Beijing so the workload is, you know, the traffic is large. And I know that I'm on multiple other lists that are - receive considerably more traffic than that during the, you know, in the last three months.

So I think - I'd just call for a little perspective. I think it's good for us to seek to lift our game and to find ways to do that. But I think, given the size and the flow of the work that we do I think most people, you know, seem to manage the workload as best they can.

And certainly, you know, I would suggest drafting by committee I've found particularly problematic on the Council list and I tended not to engage in drafting by committee. It's not the most productive use of my time to creating comments and dot Is and cross Ts.

So I would certainly suggest if you have a desire for (unintelligible) then, you know, I'm comfortable with the chair or the vice chairs and their discretion moving that momentum to a call for rough consensus, broad consensus and taking discussions off list and then bringing them back on the list, for

example, you know, and ways to sort of usher and guide discussion perhaps in that way. Thanks.

Jonathan Robinson: Thank you, Joy. And thank you for taking, you know, lifting us to a slightly more positive tone. I agree, we've come in on Saturday morning. We're in a dark room and we're - Zahid, with you in a moment - we're battling to come up to speed.

I'm personally very pleased with some of the progress we have made but what the purpose of this session is to highlight where there are also some issues that can be discussed. So, yeah, so I really appreciate you sort of lifting it and recognizing some of the productive work. And I certainly feel we've made some good progress in key areas and have been active.

Zahid.

Zahid Jamil: Just wanted to sort of echo what you just said. Absolutely, I completely agree, we have done quite a lot of work. But I think I also agree that it's difficult for us at this time on Saturday morning, just flow in, some people are still flying in, to sort of discuss with our constituencies, etcetera, overnight, etcetera, to have some of these issues that we're trying to deal with which are important.

And I think this is a valuable time to try and give to issues at a strategic - say if we had it on Sunday, for instance, I think we may be able to give you a lot more value add as opposed to Saturday morning in the beginning.

So I think the discussion is very valuable. Maybe tomorrow keeping some time for this would be helpful. And, absolutely, we have been working pretty hard. Thanks.

Jonathan Robinson: Thanks, Zahid. Jeff, yeah, thanks.

Jeff Neuman: Yeah, so can we continue the discussion about communication and things that we can do to - I didn't mean to make it sound like we weren't working hard. And so I apologize if we went off on that tangent. My main point was on things that we can do to improve communication between the stakeholder groups and the constituencies.

And so, I mean, I know there's a lot of discussions that take place off list with every different group. But unfortunately, you know, Joy, you don't know what happens on the Registry list, I don't know what happens on the Non Commercial, you know, all those back and forth.

And it would be good to get kind of a flavor for that in between meetings if that would be possible so that none of us go into meetings surprised and that we're all prepared to have - I feel like Council meetings have just gotten to be very formalistic and just there's no real discussions that happen on the substance of the issues.

So that's - I'd really like to - it would be good to address the communication of what we could do to better communicate with each other in between the meetings as opposed to just an email on an issue here or there. If people have ideas on that, that would be great.

Jonathan Robinson: Thanks, Jeff. It's Jonathan. Yeah, I mean, I like - this is really what I was hoping we'd do is pick up a sort of issue resolution type discussion. I mean Joy highlighted the fact that this, you know, collective drafting of documents, for example, is one area where we struggled. And the productive solution might be to delegate that to a subgroup, which has worked pretty well at times.

Two or three people go off, draft, take it back to the Council to test it. Clearly us collectively drafting something is potentially problematic. So I'd love to hear that - without being unduly self critical, really it's the theme is, as I said at the outset, one of continuous improvements.

So I've certainly been, at times, surprised by some of the outcomes that have come up or some of the points that have been expressed. So to the extent that we can get that understood and discussed and rationalized on list, as you say, Jeff. So I'd love to hear any kind of issue solution type combinations or issue proposed resolution combinations if...

((Crosstalk))

Jonathan Robinson: Jen.

Jennifer Wolfe: Hi. Thanks, Jonathan. This is Jennifer Wolfe, the Nominating Committee appointee. I think Jeff made a really good point and I think this is a common issue in a lot of boards and other types of nonprofit situations where you have people from a lot of different groups coming together trying to make decisions.

And I can say from my personal experience, since I am the NomComm appointee and I don't represent a stakeholder group, it is challenging at times to come into the phone calls or these meetings where I don't know what everyone else has been talking about. I don't know what their position is on any of these issues because I'm not on those lists.

And so perhaps there's some way to have each group provide, before each meeting, some sort of written statement of their position on the issues so that we are all informed as we come in to the meeting and the discussion is then more robust as a result of us being more informed and prepared.

Jonathan Robinson: Any thoughts? I mean, that seems to me to be a constructive to try and get some of the input ahead of the meeting so there's - any thoughts or responses to that? Joy.

Joy Liddicoat: Yeah, I think - Joy Liddicoat. Nice idea in theory. I think adding in a task to write positions before meetings is going to be problematic for the Non Commercial Stakeholder Group.

But, yeah, I think certainly facilitating meetings in a way which seeks input, you know, reminders of - from stakeholder groups (post) a brief on positions, reminders before Council, you know, to do so is helpful. I think adding more outputs in the form of written material I think would be problematic.

So, but when we do get back to the strategic issues I do have one so just in case you're wondering if we didn't have one, yeah. But that's just my response to that suggestion.

I mean, I think, to be honest, Jeff, I think it's great that you've raised this and I would just take it as a takeaway to that responsibility and try and act on it. I don't know if anything more formal is needed really.

Jonathan Robinson: So I'm willing to potentially bring this sub-topic to a close unless there's - I mean, this is about effective communication and working producing outputs. I mean, before we bring this - I mean, Joy said she has one other point to bring up in terms of constructing a list of issues we could discuss usefully at this session. I've heard some comments about how we can improve things.

Are there any - anything else that anyone would like to add before we bring this initial topic to a close? I don't want to close it prematurely but if - I mean, John.

John Berard: Jonathan, do you see any point where the kinds of things we're talking about overlap with the considerations that will be undertaken by the GNSO Review? Are we at a point where we think perhaps that there may be some structural change that could be helpful here or is it all just psychological?

Jonathan Robinson: John, I'll give you my two cents worth. My opinion, for what it's worth, is that I think if we - in a sense the approach I've been thinking we should take is one of continuous improvement such that when and if any reviews take place they're looking for where there are remaining issues rather than - now if - so and my presumption there is that we are optimizing the way in which we work within the existing structure.

To the extent that the structure may change, well that's a bigger picture. At the moment we have a structure. We work within a set of structures and processes. So from my point of view this is about process optimization and optimizing the way in which we work within existing structures is where - is the frame of reference I've got at the moment, I suppose.

But to the extent that a review proposes - ultimately proposes or has the outcome of a modified structure that's a different issue I think. Any comments or other responses to that? Is that you, Wolf?

Wolf-Ulrich Knoben: Yes.

Jonathan Robinson: Yeah.

Wolf-Ulrich Knoben: Wolf-Ulrich speaking. John, well, I see another connection, well, is to the ATRT. You know, now this question the ATRT2 has put into the table on the - not the review but a way to kind of review of the PDP effectiveness, you know, these they laid to the table and they would like to have a discussion with us tomorrow on this issue how to deal with that. There is some connection to that.

Jonathan Robinson: Okay, so I'm going to suggest we've - we've had an initial airing of some suggestions on - in and around these items how we might work more effectively in terms of either decision making or minor frustrations of how we work together and whether or not we need to vote and how we bring things up.

I certainly - there's one thing I've talked about and had in the back of my mind is the effectiveness of the PDP process. And we could discuss that. Joy, you said to me - you said to us a moment ago that you had one other issue you would like to bring to the table if I understood you in terms of a strategic issue we could usefully be discussing. Fire away.

And if anyone else has anything at that level, before we get into the detail of either the topics I was suggesting or what Joy is about to suggest, please let's get them on the table now so we skirt them within the time we've got.

Joy.

Joy Liddicoat: Thanks, Jonathan. The two are connected, actually. I was just about to raise the point that Wolf did in relation to the ATRT question of the GNSO Council and the effectiveness of the PDP process. I think it would be very useful for us to talk about that. And I know we have an agenda item later. So it might - I wanted to raise that.

And the second thing is just a sheer sort of - a discussion that we've been having at the Non Commercial Stakeholder Group Policy Committee just in the last month or two. We've been trying to have a forward look about the trajectory of where some of the (unintelligible).

And we've looked across the RAA agreement, the Expert Working Group on directory services, and a number of other areas. And we're just slightly concerned that some of the trajectory of ICANN's activities are moving out of the coordination space and more into the regulatory and regulation space.

And for us, there seems to be quite a strategic issue in terms of the implications of that for the systems and procedures that are needed to support a more regulatory type function and sort of the atmosphere and the policy related issues that flow from that both in terms of policy development

but specifically in terms of implementation, for example, monitoring enforcement and so on.

And it seemed to us that it would be useful against sort of - at a helicopter level to look at here and think about whether the GNSO needs to be - or whether others have similar ideas, whether they think this is a real issue or not, how we might discuss that if people wish to and just to share about that.

Again, it was just very much a conversation that had moved organically from our policy discussions. Thank you.

Jonathan Robinson: Thanks, Joy. To me those are - is insight into two key themes that have been in the back of my mind. I mean, the first is that there is a grumble, if you like, of criticism that exists of the productivity or effectiveness of the PDP process.

And I think that's a topic that needs both defending, in other words, that's - this is my personal opinion, that the PDP process needs to be recognized for being thorough and comprehensive and necessarily so because of the impact of policy with a capital P.

But nevertheless we should not defend any process to the extent that we don't recognize that it needs improvement. And I've talked with Marika about this and others and there sort of is some prospect of some input for the session now, which we could have, to talk about it.

Personally, I happen to agree with the other point you made, Joy, in the sense that I think there are some big picture developments. I try to get a focus on them. There's a significant project going on around ICANN's future strategy that doesn't seem to be on the, you know, the GNSO and the Council don't seem to be yet properly engaged with.

There is significant work going on in reorganizing ICANN's operations. And those - why I ask and, as you know, on list, why Fadi, when he comes to talk to us tomorrow about those two topics. And in some ways they link to some of the issues we've had about where there are boundaries between policy and implementation and how these things might work.

So can I get a feel for which of those - I mean, should we be picking up and talking about either of those two points? I mean, as I said I talked to Marika offline and talked to others about the PDP process and there are some clear opportunities.

And Marika's actually done some slides which we could look at which walk through the PDP process and where there might be some areas that we could discuss for potential improvements. So I'd quite like the Council to see those and have some input on that. Jeff.

Jeff Neuman: Yeah, I mean, I'll leave it to the others as to whether they want to walk through the PDP stuff, the slides. As the former chair of the PDP Working Group that helped revise all this I don't - it's up to everybody else whether they want to go through it.

But I just want to say that the PDP is the easiest poster child that everybody loves to kick and nobody fully understands. And not that it's not understandable, it's actually fairly simple it's just lengthy and there's a lot of processes. And frankly, those processes are in place because everybody felt that protections needed to be built in at every single step.

So it's a little bit cumbersome as far as the number of steps but it's pretty clear what I think we, as a Council, need to do is be defenders of the PDP process. And, again, not because I'm - I was the chair of this group which took several years to finalize. And it was tough to get a lot of participation in that group.

But I think the process itself is fine. I think it - can there be improvements? Always. There's always improvements that could be made to every single thing. But we need to step up and with the ATRT and everybody else say stop kicking, you know, it's like kicking us when we're down, right?

Just stop blaming us or the PDP as the default. And staff does it too - not the policy staff but the implementation - sorry, I shouldn't use that word - the operational staff at ICANN loves to say well it's, you know, it's the PDP process that's broken. That's why we can never go through it and that's why we need ways around it.

But you ask how many of them actually understand or have taken the time to read what the process is or what the issues are, very few of them have. So it loves to be the poster child as to be all what's wrong with the GNSO. And I think we need to step up and say there's nothing wrong at this point with the process. Let's stop looking at the process and let's look to what's behind - the reality that's behind everyone kicking the PDP process is what I think we need to do.

Jonathan Robinson: Okay so, Jeff, we've got Marika in line. So, I mean, you acknowledged in that comment that it's not about saying the process is fundamentally flawed, but nevertheless there's a prospect of recognition - recognizing potential performance improvements in that.

Jeff Neuman: No, I'm not even going to go that far and say that I think there's performance improvements. I think - why not, I'll just lay it on the table. The problem is not the process...

((Crosstalk))

Jonathan Robinson: Wait. Be brief because...

((Crosstalk))

Jonathan Robinson: ...I would like Marika...

Jeff Neuman: The problem's not the process, it's the people that participate in the process and what they bring to it or don't bring to it that I believe is the problem. And I don't think it's the process at all.

The process is pretty simple. You need to come up with an issue report. You discuss the issues. You come out with outcomes. You do public comment. It's a fairly - it's an objective non-emotional process. It's the people that come to it that either want to come together and come to a decision and that want a compromise. It's not the process itself but we love to blame the process.

Jonathan Robinson: Marika.

Marika Konings: Yeah, this is Marika. I want to clarify. And I think it may be helpful just to look at the slides because I think you're basically saying like we need all to defend the PDP process. I think we keep on hearing the same complaint. But the presentation actually doesn't go step by step what the PDP is but it actually goes through debunking some of the myths that exist. That, you know, it's slow, there's no consensus. So...

Jonathan Robinson: I would like to encourage - Marika, I'd like your support for her to give - show you a couple of these slides. I think it's important because the PDP process, like Jeff said, needs robust defending but also we need to recognize where - when and if there are potential shortcomings. And it's something which is fundamental to what the Council does.

We put things through the PDP process, which ultimately result in binding outputs for contracted parties. So Wolf-Ulrich, then Jeff. Is there anyone else who can speak? Wolf-Ulrich.

Wolf-Ulrich Knoben: Just a comment, please, going to Jeff, well. I think you have to be a little bit careful with what we are saying. So - and pointing out problems. I was going to say the problem is not the process but the problem of the people. It is a little bit not careful enough, well, to talk about in (unintelligible) environment.

So we have set up the process and the people - and we say the people have to live with that process. So I understand - fully understand that a process is - can be done in this way and that way and where the people come from they take it different ways.

So we have to take that into consideration as well. And we've discussed that and that is why I am a little bit careful to talk about in this way. Thank you.

Jonathan Robinson: Be brief, Jeff.

((Crosstalk))

Jeff Neuman: I will. And I agree with Wolf...

Jonathan Robinson: ...there are any objections.

Jeff Neuman: Yeah, I just want to restate what I said. And, look, I like that (unintelligible) talk kind of off the cuff because I like to be frank and I don't necessarily think of every word I use. But let me restate what I meant.

You have to want to come to consensus in order to get there. If you don't want to come to consensus or you dig in your heels or there's no incentive to actually come to consensus or there's more incentive for you as a group to dig in your heels and to fight it every step of the way you're going to do that.

We have to figure out ways to have more of an incentive to come to consensus. And so it's not the process itself but it's - when I say it's the

people, I mean, it's the attitudes; you have to want to get to a consensus. And you have to find it in your interests, in our interests, to come to that consensus in order to do that.

If you don't have that incentive to come to consensus you won't and it'll seem like a process breakdown. So I hope that's a little bit more clear.

Jonathan Robinson: Thanks, Jeff. I've got Evan next and then would like to let Marika stimulate us further with some of the thoughts on the slide.

Evan Leibovitch: Hi there. My name is Evan Leibovitch and I'm sitting in for Alan Greenberg as the ALAC liaison. And I just wanted to, hopefully without inflaming anything, just suggest that when talking about the process a bit that I think some of the issue is not in the mechanics of the process but in the way that various communities are brought in.

You know, we've had a couple of kicks across community working groups and things like that. And if there are certain particular issues that are ICANN-wide that need the involvement of say ccNSO, the ACs or whatever, that maybe that there are certain kinds of particular issues in which there needs to be something that's a little bit broader.

So rather than complaining about the GAC coming in at the last second and dive-bombing things, trying to figure out a way to have some deeper engagement from the beginning so that doesn't happen - that kind of thing.

Jonathan Robinson: Yeah and I must respond to that, Evan, because I think it's a good point. And so as you probably know but perhaps don't, we are actively working with the GAC on how to better engage them with the PDP process in a way, for example, that might better suit their working methods.

And that causes concern for some, I know. But, nevertheless, it seems to be a form of what I would call constructive engagement and so those kind of suggestions make sense to me.

Evan Leibovitch: Right, but I didn't want to use that as the only example. There's times the ccNSO needs to come into things, the SSAC, ALAC and so on. I mean, it's not - the GAC is the most glaring one but not the only one.

Jonathan Robinson: Okay. And just to respond on the community working groups, as you know, we're nudging that one forward and we have had an active dialogue in the final event with the ccNSO most effectively. But, you know, there are other perspective ways of working here so thanks. Appreciate it.

Over to you. Let's hear this and let's go through this and have a look.

Marika Konings: Thanks, Jonathan. So this is Marika. So indeed I put together a couple of slides to try to stimulate - although I'm not sure it needs a lot of stimulation - but to further stimulate the discussion on this.

I think first focusing a little bit on indeed what are the myths that exist because I completely agree with Jeff there having been, you know, supporting as well the PDP work team, I don't think the process is the issue because there are so much flexibility in there that, you know, anything is possible to do.

There are, you know, some requirements, minimum requirements that are in there. But, you know, anything else you can do within the PDP.

So first slide, you know, we've all heard the PDP is broken. And I said it's easy to point to, you know, we're not getting consensus, no one's participating, we don't ask others for input, you know, it's just broken.

But people don't actually focus on what is there and looking at, okay, let's see what we actually have and then define what is potentially missing or where we can streamline or improve.

So one of the things like oh it's so slow, you know, the PDP doesn't work, it's so slow. Yes, it does take two to three years to actually, you know, complete the whole process going from the issue request to a board vote and then of course have implementation even coming after that.

But if you compare it to other organizations like the IETF, you know, they take 1000 days to get to an (RRC). The ccNSO, you know, they're doing their PDP - it's actually six years and over. It's five and a half years but they're still going, they're still (unintelligible) the report.

So, you know, what is the benchmark for saying it's slow? You know, and I think multistakeholder - it's a marathon, it's not a sprint. You know, I we do want to have a different model, well then we need to look at a system where, you know, someone puts a proposal on the table, you have a vote and off you go.

But if you want to have consultation and community consideration that's not a - it's not a sprint. So I think that's, you know, one of the things we always hear, it's too slow.

And just as well, oh you never reach consensus, the PDP doesn't work because you never reach consensus; you're always deadlocked. The GNSO never comes to a conclusion.

Well out of the nine recent PDPs eight of them resulted in consensus recommendations. And I think most of them were actually unanimous or full consensus recommendations.

I think the one glaring there is where we didn't reach an outcome and had to stop midway through was vertical integration which was a really tough and difficult topic.

So, again, I think here we hear oh you never achieve anything but people fail to look at all the IRTP PDPs that we're doing, you know, PDNR, even though some of the results may not be the ones that everyone wanted but we did come to consensus at the end of the day.

Looking at, you know, you don't allow others to participate or provide input. You don't listen to us. We cannot provide you with our views. Well, all GNSO drafting teams and working groups are open to any interest to participate.

They're at a minimum three required public comment forums that need to be done before the Board considers recommendations. And there is a requirement for working groups actually go into the detail of looking at those comments and provide responses.

And all supporting organizations and advisory committees are requested to provide input early on in the process. And I think, again, that's a dialogue we've been having with the GAC, as well, where I think some of them saying, oh, you know, the process is broken because we can't provide you with early input.

It's like, well, we actually believe that we are asking you for earlier input, we're just not getting it. So probably we're asking you in the wrong way. So you need to tell us how we should be asking you or what is the mechanism to engage with you because, again, the PDP provides that opportunity.

And, you know, we did send them a whole list and applies the same for all the supporting organizations and advisory committees that there are - I think at least 10 or 20 steps where they can provide input or participate. But maybe we haven't found the right way of engaging them. So, again, I think it's just a

question of further dialogue and better understanding instead of pointing to it's just the process is broken.

And of course there is, as well, like, you know, PDP doesn't work because you (unintelligible) decisions to implementation. You actually don't take any decisions but you just ignore them.

Definitely the case for some of the new gTLD related discussions. And I think we're all very aware of those issues that came about. But, again, I think from my perspective I think the exception confirms the rule here; that PDP was operated under I think very different circumstances with very broad issues and maybe some of the questions were punted.

I think at least in the current model we're really trying to work through some of those questions and have come up with this concept of having implementation review teams where we're trying to work in tandem with staff of defining or working through some of the items that come up as part of the implementation related discussion or where, as part of the policy discussions, we realize that wasn't probably an issue we could address or resolve as part of the policy outcomes.

And again this is an area I think where we recognize that, you know, further improvements can be undertaken. And, you know, it's also one of the topics that probably will be considered as part of the Policy and Implementation Working Group looking at further guidance or framework around those efforts to make sure that there is a clear expectation of what can happen and that we have a framework in place for dealing with some of those tough questions.

So obviously I think, you know, as we've recognized as well, there is room for improvement. I mean, there are, I think, a lot of opportunities that can be taken within the current model and areas as well where I think we may want

to consider streamlining. And here are just some thoughts I've put on paper, again, to stimulate discussion here.

Looking, for example, at the timing issue where some people are saying, oh, you know, it takes a lot of time. If you look at the different steps in the PDP where quite (essential) time is spent, for example, is drafting the charter.

One step that you could streamline here is instead of saying okay instead of forming a drafting team that, you know, need a call for volunteers, they need to come together on a weekly basis, they need to have meetings, discussions. Some meetings may not happen because, you know, holidays, whatever.

You say, okay, why don't we ask staff as part of the preliminary issue reports to include a draft charter? And then at the time when there's a discussion initiation of the PDP the Council has the option, and again, the option to either adopt that charter or form a drafting team.

So in that case you can already eliminate one step of the process and, you know, immediately go to the working group. Again, this is not a mandated step, an option you could consider.

If you look at the timing - because I think I've all circulated to you who have this - I've done this little table where it basically shows you how much time it takes to get from one step to the next.

If you look at the fact that it takes a working group approximately, you know, 40-50 meetings, which equates probably the number of hours, take into account as well, you know, weekly meetings, normally 10 minutes starting of the call you do your roll call, everyone has to show up so effective times may be, you know, half an hour, 40 minutes.

So if you look at that time frame what if you actually, you know, get those people together for a week or, you know, three, four days and put them in a room. It doesn't mean you can actually do an initial report or a final report in a much shorter time frame for those issues that need to move faster.

You know, more hands make light work. I think some people have noted that as well. You know, a lot of the working groups still rely on the same handful of volunteers that are showing up for all these meetings and doing a lot of the heavy lifting.

How can we all work together and get more people to participate and take on more work? You know, what are some of the online tools and training that would facilitate, again, you know, more active participation and work in these activities?

We've already pointed to, as well, the more effective collaboration with other SOs and ACs to obtain early input. You know, we're talking to the GAC, you know, we're also having these discussions with the ccNSO and other groups to try to see, you know, what else can we do to get their input at an early stage?

Another thing you may want to consider - and, again, I think these are some of the options that as we go through PDPs, for example, that you have a kind of toolkit or a menu where depending on the issue or the urgency that is perceived that you may want to choose to use some of those tools to either, you know, speed things up or where you see that, you know, you don't really need to go hand by hand through every step of the process with the working group but you may, for example, consider pointing a rapporteur.

It could be either a staff member or someone within the working group that basically holds the pen, has as its job to talk to the different working group volunteers or stakeholder groups or constituencies or SOs/ACs. And then as

their job write a first report which probably would go a lot faster than actually having, you know, weekly working group meetings. Again, that's an option.

How about involving professional moderators or facilitators for the really difficult topics? We're running a little bit of an experiment this week with IGO/INGO Working Group on Wednesday where we have Xplain who are also facilitating the budget - or the - sorry, the strategic plan discussions on Monday to help us with the working group to see if something like that might, you know, bring people closer together or get new ideas on the table. That may be something, as well, that would bring people closer together.

Involvement of experts during policy development process. Again, it's an optional on the PDP. We haven't really done it so in certain areas you may want to benefit from experts and get them on the - to the table. For example, as well, looking at some of the implementation related discussions.

Something that has been very little used but, again, I think is something that was really encouraged on the new model is to have more workshops and discussions at the outset. And I think, you know, part of the issue with the PDP is that we often go into it without a common understanding of what the problem is that we're actually trying to address and what some of the potential outcomes are that, as a group, we may want to see.

I think that's where we often start on the PDP and spend a lot of time trying to understand what the actual problem is. Well, if we have some of that discussion up front we may be able to frame it better and actually be in a more - in a similar mindset of moving things further.

And I think, you know, better data metrics, again, something we're looking at with the Metrics and Reporting Working Group, may be another area where we can have better information that helps support the work in a more efficient manner.

Then there's, as well, some potential structural changes that at some point may need to be considered or you want - would want to consider is, you know, we talk about this Fast Track process for, you know, GNSO policy advice or guidance which could be a process where you want to develop recommendations that are not consensus policy.

And, again, it's an issue that's going to be considered as part of the policy and implementation working group. And then one thing of looking at participation is, you know, we do sometimes see working groups where we have no representation from certain stakeholder groups or constituencies. And there the real risk is, of course, once those recommendations then make their way to the Council that one of those groups stands up and goes, oh, we had no idea this was coming. And, you know, we can't live with it.

To have a kind of requirement where you say, okay, you know, the working groups are open to anyone interested to participate but at a minimum each stakeholder group and constituency needs to have a representative in their group that's responsible for reporting back to their constituencies and stakeholder groups so that at an early stage things can get flagged and addressed.

And a similar thing may be considered with supporting organizations and advisory committees that at least we have a liaison and a regular mechanism to feed back.

So, I think, you know, this is basically wraps up the slides I prepared basically saying, you know, the PDP is not broken. That's not the problem. I think as I said here, we're just not making optimal use of the flexibility that exists within the current framework and need to focus on some of the external factors such as, you know, engagement of volunteers, outreach to make it more efficient and multistakeholder.

And I think once we've done that there may still be areas that we identify that maybe are not working or not as they should. But I think that step is one we take at that point in the process and not immediately assume that it's broken.

Jonathan Robinson: Well thank you very much, Marika. Appreciate the thought that went into that and the stimulating points. Can I ask for responses or comments immediately? Got Chuck and Mikey and Jeff .

Chuck Gomes: Thanks, Jonathan, and thanks, Marika. I think the - some of the facts that you've presented there are really critical for this whole discussion. Let me preface my remarks by saying I'm - I know we can improve the process a lot and we will. So I'm not suggesting that we get defensive on this; that doesn't really help. We need to look at how we can make it better.

But the bottom line is is that it's really popular to say that we support the multistakeholder model. Everybody does it. It's the right way to go, right? We don't want intergovernmental control.

But the bottom line there's an awful lot of people in our community who give a lot of lip service to the multistakeholder model but they don't really like it because it's slow and it's messy.

At the same time in a diverse community like we have if it's not relatively slow and messy, we're not going to get everybody's viewpoint and we're going to make mistakes.

Again, we can make it better. But I'm tired of hearing people say the multistakeholder model is the way to go but when it takes a while they want to change it. In other words, they really don't support the multistakeholder model; they're just giving lip service to it.

And as a GNSO we definitely need to improve it. There's plenty areas for that. Marika, you did a good job of presenting a lot of options there. But I think

we need to challenge people about their real beliefs with regard to the multistakeholder bottom up model.

It's not enough to just say it - that you support it. But you have to understand that it's complicated and it will take time. So I think all of us need to challenge people when they say they support that model and yet they really don't like it. And we need some honesty here.

An awful lot of the people who are criticizing the GNSO and the PDP have never participated actively in a working group. And I think we should encourage them to so that they really understand the complexities of that.

And so I just think we need to - as Marika did in her presentation - continue to challenge some of the assumptions here, the main one being that we support the multistakeholder model but we want answers done in - next week or the week after or maybe a month. Not going to happen if you really do believe in the multistakeholder model.

Jonathan Robinson: Thanks, Chuck. That's interesting input. You know, and to my mind this is partly about equipping us to challenge that with that thinking but with a receptiveness to adapt to continuously change. Mikey.

Mikey O'Connor: This is Mikey O'Connor. I hate following the (Chalk), it's a pretty scary place in an agenda. Way to go, Chuck, I really agreed with everything you said. And just to amplify a couple of things, I think one of the things that would be really good to do is to get the senior staff - not the policy staff but the senior staff of ICANN and give them a requirement that they each have to participate in at least one real working group.

Because it's so frustrating to have these big kids dance around doing these ridiculous things and having absolutely no clue what we do in a working group.

So, you know, from my vantage point it would be great to have, you know, Fadi in a working group from one end to the other every week at the same time and getting attendance taken so that at the end of the day he understands what we do. So that's my - my imitation of the (Chalk), I can't do it as well as the original but I'll add that.

I had a few things that I wanted to react to in Marika's slides. I think they're a fabulous deck. And I wanted to point out a couple of opportunities that I think we've got. The first one is that we have an Implementation Review Team running right now, just starting up on the IRTP-C work.

And those of us that are on that Implementation Review Team - the people that came out of that working group I think that we may try to use that working group - the Implementation Review Team as sort of a test case to try out some of these post-policy work implementation activities. And I just wanted to add that sort of to your punch list, Marika, as another thing that we could do that's an opportunity that we could work on.

One of the other things that has been going on in recent working groups - and I credit mostly Marika and the rest of the policy staff for this - is that we're getting smarter about how we handle the review of public comments.

I used to view that part of the working group process as mostly a pain in the neck. And, you know, it tended to be the sort of oh God, we got to drudge through all this work before we can get to the real work.

And I think that especially Marika has kind of brought me around to the point of view that the review of the public comments in the process is actually where most of the writing of the report takes place. And we may just want to capture that idea a little more consciously and work it into the methodology. And that may be another one for the punch list.

One of the other things that I want to connect up here is there's this giant outreach activity that's going on the strat plan and in the budget. There's like millions of dollars going at outreach.

And on a recent outreach call Sally Kosterton or somebody said we want 10,000 new participants in the ICANN community in two years. At which point there was a thunk as I fell off my perch sitting there in Wisconsin because I can't quite figure out what 10,000 new participants looks like.

And my response to that on that call and kind of constantly is outreach is great; the outreach process as a giant engine for change in ICANN. We need to harness that engine for change and add a couple of steps to it to build a bridge between the clueless newbie 10,000 that they're going to generate and fully qualified participants in working group because we are really thin on the working group bench right now.

Anybody who gets good at working groups gets promoted up into this layer and beyond. And those of who self-select to stay there in the working group layer are finding that the pool of volunteers is getting really small and really thin.

And if we could aim that million dollars of outreach at generating more of a bench for the volunteer community going into the working group process we might get something out of that because there's clearly a lot of resources already going to go into that so we might as well get in front of that fire hose and drive some of that resources into solving the issue that you all are grappling with.

And then I just figured out how to totally erase my note. There's - okay, I got one more. You were talking about the idea of liaisons between ACs and SOs - required liaison - I give that a huge thumb's up.

And the one addition that I would make to that is that in the case of the GAC, because of the complications of the GAC, that maybe we do sort of a reverse liaison to the GAC so that they aren't put in the position where their person is powerless to do what we are asking them to do because of the nature of the relationship they have with their government.

So let's turn the relationship around backwards where somebody who's flexible, somebody from this side of the equation, can go to them periodically and talk and get the - so we still have the liaison going on but we've reversed our way out of that dilemma that we've had for years with the GAC folks not being able to participate because of their job description.

I think that's my list.

Jonathan Robinson: Thanks, Mikey. Two quick comments for you and then I know we've got, in line, Jeff, Kristina and James.

First of all on your point about working groups and participation and the 10,000, I'd encourage you and anyone else who's interested in - particularly in that to come to Chris Gift's presentation on digital engagement and to engage with him on that and see where that's going because I think that links to Sally's thinking on that so just to mark your card on that one.

And second of all on the GAC and reverse liaison, I think we've got some way down. I don't want to presume that's a done deal but I think the GAC certainly feels that they made that suggestion or we collectively made that suggestion in Beijing.

And my sense from the Council at the time as a pretty warm response to that so we will come back to that. But my feeling is we're going down that track. But let me stop there because - very briefly because these other guys have been patient in the queue.

Mikey O'Connor: This is Mikey again. And this is just another open and frank in the spirit of this morning's session comment. We've really go to keep an eye on these tools that are coming out of Chris Gift.

One of the things that I will bring out in public on the record is that Chris gift is one of the founders of the company that's developing those tools. Thank you.

Jonathan Robinson: Jeff, Kristina and James.

Jeff Neuman: Okay actually I'm going to - I want to yield to Kristina because I agree with almost everything Chuck said and I don't want to just repeat it. So I'll put myself in the queue after Kristina.

Jonathan Robinson: But before James or after James?

Jeff Neuman: After. I'll put myself at the end.

Kristina Rosette: So Jeff kind of knows where I'm coming from on this issue. As someone who has participated in many a PDP working group so I think for purposes of Chuck's criteria have the street creds. I also am coming from a perspective where I hear a lot from people who do not participate that this process takes a long time.

Here are some suggestions made in the spirit of trying to address those. I don't think it resonates particularly well outside of this community to say two to three years isn't slow compared to everybody else. I agree with Chuck's point that there is inherently a tension between the multistakeholder model and speed. But I think we really need to think about is it possible to make it faster?

In part because of the speed with which these issues develop and, frankly, in part because of another reason, which is my second point, asking someone who is new to this process, asking anyone really to commit to two to three

years, maybe 50 hours of meetings, once you add in all the email, all the document review, you're looking at more like 150 hours.

That's a really significant commitment. And it's a commitment that at least from a lot of the folks that I hear from is more than they are in a position to take on. It's not that they don't want to participate, they just can't - they cannot make that type of commitment.

So I think it's incumbent on us to identify ways in which people who do want to participate can do so within the working group with out signing up for three years and 150 hours. Maybe that is, in a way, it could be structured so that the work of the working group is phased to allow - so that it's more discrete modules that people can come in and join.

In terms of the public comment there absolutely are opportunities to participate in public comment. But historically - and ICANN has made significant improvements on this - historically your comments went into a black hole. And that is clearly changing. And I think it certainly changes within the working group.

And I think the point that Mikey makes is a good one is to identify just very clearly the specific instances that where a working group has changed its position or modified its view in response to a discussion triggered by public comment. That needs to be reflected in the report. I think that - doing that type of recognition will really be helpful in encouraging people to participate.

And I would just note that personally I appreciate Jeff's qualification of it's not the process, it's the people because that is not going to resonate well outside of this room.

Jonathan Robinson: Thanks, Kristina. Marika would like to make a brief response. I've now got Joy - Joy in the queue and then John as well but I'll manage the queue off that so very briefly, Marika, you want to respond to Kristina...

Marika Konings: Yeah, I just wanted to respond on the two to three years, I just want to clarify the two to three years is really from the start request of the issue report to board adoption so the working group phase is actually a whole lot shorter. But, I agree, to be up front about what that means. And I think we have numbers of that will be helpful.

And just on the public comment review we actually already include that in the working group report. We linked to the - what we call the public comment review tool where we basically define each of the comments received, who made it, what the working group, you know, what their discussion was around a topic and then identifying a separate column, like did that change anything in the report.

So I think we're trying maybe we need to publicize it even more. One idea is to link that back as well to the public comment forum at some point so people can actually go there in addition to the - the summary of the comments also see, indeed, what the working group did with it after the fact. There may be a way as well of communicating that even better.

Kristine Rosette: I agree. And I would actually go a step further and say that to the extent that there are efforts made at outreach and public participation because I'm getting calls from Chris Mondini all the time, how do we get more business people involved? How do we get more business people involved?

So to the extent that that can be part of the informational package that he and his group are presenting that, you know, here's, for example, what happens with your public comments, duh, duh, duh, that I think would have a meaningful impact.

Jonathan Robinson: James, you've been patient.

James Bladel: Thanks, Jonathan. And I'm going to be very brief. James Bladel speaking for the transcript. Just echo what some have already said and thank Chuck and echo that his sentiment that you can't love - or say you love the multistakeholder model if you don't love the PDP. It is not a broken process. It is always open for improvement. I think there are a number of good faith efforts under way to make it better, make it faster.

For example, I'm chair - or co chair of a number of PDPs and the current one that we're in with Mikey, we are like the transfer process before it, we are exploring the limit of how fast a PDP can go. I think we broke the one-year barrier with the last one and we're pushing for the same in this one.

And I think we've even identified some areas where we can go a little bit faster, like Marika was saying, and still hit all of the required elements. And I think that that is important to renewing confidence in that process that it is a mechanism that works.

And I wanted to point out that there are a number of ways that we can continue to improve that without losing the quality of the recommendations that come out of that. But in some cases - and I just want to maybe take a contrarian opinion a little bit here, slower can also be better.

There is a built in stability to slower change. And just go with me on this here but if you think about the change that's going to happen in this industry in the next three months or if you were an expect, let's say, in domain name transfers in 2010 your knowledge of that process is irrelevant in about a year and a half.

This is how, I think, you confuse end users and how industries start to fly apart. It's too much change too quickly can also be a problem. You can build up a pipeline of unimplemented changes so that right now I think we're discussing a policy issue that is going to fly right in the face of a previous IRTP recommendation that hasn't been implemented yet.

So you can see we're kind of chasing our own tail in some regards. So, you know, I'll leave it there but I think that, you know, it's a good process, good people are working very hard to try and speed it up without losing the quality and - but there are some benefits to making sure that we are doing this carefully and not just quickly. Thanks.

Jonathan Robinson: Thanks, James. I've got Jeff next followed by Joy, John and Steve.

Jeff Neuman: Thanks. You know, I think we're - as James said, you have to love the - if you like multistakeholderism, you have to love the PDP. I think that makes us all pretty sick. But I agree.

But I also do want to point out that there is an assumption that everything out of the GNSO - that comes out of the GNSO has to go through a PDP. And I think that's a fatal flaw that we need to address as well that it is not true that everything that comes out of the GNSO has to go through a PDP.

It's only true if you want it to be a, quote, consensus policy under the contracts and only true if you want the Board to have some sort of - or want to have - I wrote it down - only if you want certain burdens put on the Board in order to reject it, right? That's the only reason something has to go through a PDP. Everything else does not have to go through a PDP.

But even as we saw in the original reconsideration request denial or rejection we saw even the staff basically said, hey, if it doesn't come out of a PDP we don't have to listen to the GNSO which I know we'll be discussing in much more detail later on when we get to my motion.

But I do want to point out that's something - we do need to raise that point that not everything has to come out of a PDP in order to be multistakeholderism.

I also agree with Chuck when he said that, you know, everyone loves multistakeholderism but nobody likes how long it takes and that, you know, I also want to say everyone likes multistakeholderism until they get don't get what they want in which case then multistakeholderism failed; it was never multistakeholder because they didn't listen to them.

Just to respond to Kristina, she said not everybody wants to devote 40-50 meetings to a working group. And I completely understand that. But these are complicated issues, they're much more intricate than people think from the outside world.

I mean, even something that - even something like locking a domain subject to a UDRP, which we're going to talk about next I think, that sounds like the easiest thing in the world, it should take five minutes to decide that, right?

But as anybody in that working group - and I just - I followed the email but I wasn't a participant. As anyone in that working group knows that there were some pretty complicated issues and everything you thought you solve gave rise to another potential issue. You know, so I appreciate the work they did.

But even something like that that sounds like it could be done in 30 days took, you know, I don't know how far we're into it now, but, you know, we're at the point where we got a final report and we're moving it further.

But that's the problem I have, Kristina, with the whole argument of nobody wants to devote that much time. I understand that but I almost want to - part of me wants to say, tough, right? If you want to be in the working group and you want to have an impact then you've got to put in the time. And unfortunately, these are not issues that are simple policy matters that you don't have to consider implementation and, in our respect, operational issues, right?

Every single thing that you decide for a policy actually has an affect on, you know, a lot of things, have an affect on how a registry or a registrar or another party actually operates. And in this case the locking subject to UDRP actually affects the UDRP providers and how they operate - their operational rules.

Jonathan Robinson: Okay, Jeff, I'm going to have you stop there because...

((Crosstalk))

Jeff Neuman: Sorry, last point. Sorry, last point.

((Crosstalk))

Jeff Neuman: The question I have is - so I really like these slides. Is this something - or a version of this that we are planning to show to anyone else?

Jonathan Robinson: Jeff, let me - I will try and capture that in the wrap up but the short answer is almost certainly yes.

Jeff Neuman: Thank you.

Jonathan Robinson: All right, I've got Joy, John and Steve. And just to let you all know we're coming towards the end of the session.

Joy Liddicoat: Thank you. Joy Liddicoat for the record. It's interesting to reflect on this conversation because I've just been 2-1/2 days within the first African Internet governance goal here in Durban, which has had about 30 members from countries including Tanzania, Botswana, Nigeria, South Africa, Kenya.

And we've been looking very closely and talking people through ICANN and its policy related processes. And NCUC, the workshop was actually organized by the Association for Progressive Communications and the NCUC

participated in that. It was a panel to talk about some current issues before the GNSO Council and within ICANN.

And so I still have something of a (unintelligible) feeling I have to listen to discussion about the need for outreach and the need for engagement and this desire for more input when I reflect that even in my relatively short time on the Council outreach has been - even outreach has been a (unintelligible) this is not being possible.

And deeply disappointing to think that, you know, the very values of multistakeholderism that people espouse aren't necessarily reflective when it comes to votes and decision making about practical implementation of that.

So fortunately about dozen of those people are going to be participating in this ICANN meeting and we'll be coaching and mentoring them through that. And I would just encourage you reflect that while there might be newbies to this process they're not ignorant, they're regulators, they're registries, they're government representatives, they're highly skilled and they can and do want to participate.

And so, you know, maybe I had the right coffee at breakfast but I'm slightly more optimistic about the ways that they can engage. I mean, I really liked your presentation, Marika. I think that self correction is excellent. I do think that, you know, sometimes I don't like the multistakeholder process, it drives me crazy.

And that's - and I say that in the good spirit of which while I support it I think it's true that it is a frustrating process at times. The final thing I just wanted to say was that I do think that there are ways in which ICANN's new initiatives need to be integrated across the work of the Council.

For example, ICANN has started opening regional offices and countries such as Singapore, Beijing, (unintelligible) and is scope to create those hubs as

places where policy engagement of diverse stakeholders can take place. And, you know, Non Commercial users do have some concerns, of course, that many of those are repressive regimes that don't have good human rights records and where we're slightly worried about that.

But we do think that there are opportunities that can be taken to integrate not only for the Council to integrate but for ICANN as a body to integrate the GNSO into its group. So that would be a takeaway that I think we should think about discussing with the Board. Thanks.

Jonathan Robinson: Thanks, Joy. Let's hear from John and Steve and then we'll - I'll try and wrap things up.

John Berard: I'll yield, you know, kind of to help speed up the process.

Jonathan Robinson: Thank you, John. Then it's over to you, Steve.

Steve DelBianco: Thanks, John. Just a quick comment in response to what Chuck did. I think Chuck put too much emphasis on the notion of time or delay. There's a Rolling Stones song, time is on your side. And that really applies here because time is on your side until it isn't.

When you're doing policy development well ahead of implementation frankly advocates for the status quo can drag things out by calling for deliberation and consensus and that becomes time on their side against those who might advocate change.

And I witnessed this personally in things we did on Whois, Whois Study. I watched it in the Consumer Trust Working Group. So sometimes time is on the side of the status quo.

On the implementation side once it's begun that parties who have started to spend money in pursuit of implementing something new like applicants for

new gTLDs suddenly time flips around because now any kind of reexamination of policy to implementation cause delays that get it the way of a business plan that's been committed to so time becomes on their side at that point.

And then until that is the GAC weighs in with specificity very late in the process as they like to do and that specificity coupled with the GAC's leverage suddenly says that almost all of us at ICANN are willing to make concessions to the GAC to avoid the long delay that would come with deliberations. This was the justification given by the Board New gTLD Committee for many of the concessions on safeguards.

So time is a complex element here; it isn't the only element. And I address that you, Chuck. And it looks to me like the draft charter for this working group captures those other aspects that a lot of whether time is a factor depends on when in the process there's a request for guidance or a request for implementation clarity.

Jonathan Robinson: Thanks all. Thanks for a session that warmed up. I really appreciate particularly Marika's input and it seems like others of you did. I promised Jeff I'd respond to the fact that, yes, especially given the sense I have that - of a broadly positive response to that I think we should communicate it out and use that as a basis. And we may want to tweak the presentation slightly on suggestions that have come in here.

But I think for me the resilient theme that should come across here is that we are doing good work in the working groups directed by the Council within the GNSO in general and we are receptive and willing to improve and continuously improve on the way we work as a Council and in the way in which we do our policy work within the GNSO in general.

So thanks, I really appreciate the session. We'll try and capture this in some themes, possibly return to some of them in other discussions like how we

interact some of the things we talk about with the Board and in the wrap up session and so on.

I suspect there will be a thread that runs through all of this over the course of the next few days, which is about protecting and I don't like the use the word defending because defending sounds defensive but working within - productively within the multistakeholder model but nevertheless being willing to continuously improve.

Jeff.

Jeff Neuman: Yeah, just to clarify, so my question was a little bit more direct. Are these slides going to be presented at this meeting to the Board or to the GAC not just that we'll use them as talking points but are these - are we planning on presenting these directly to them?

Jonathan Robinson: There is no plan at this stage. And I'm receptive to those suggestions. I think Marika had in mind to - she's been asked to talk to the ATRT2 group about the PDP process and so she was planning on using them or a variant of them. If we want to use these in any of our other meetings that's fine.

Jeff Neuman: Yeah, and we can talk about that when we talk about the - what we're going to address with the GAC. The other thing is I'd like, you know, and I think Marika did a great job and I like the slides. But I think if we're going to present this externally it's almost more effective to come from you, Jonathan, or someone from the Council as opposed to ICANN staff. I think that has much more power to it.

Jonathan Robinson: I'm more than willing to take it on. Let's - what I suggest we do is come to the structure of our meetings with the GAC and the Board and we'll see if these make sense there. I think they might well do. I mean, there's quite a lot of - that theme I tried to capture I hope will thread through our meetings and

our meetings with others over the next few days. So, yes thanks, Jeff, it may well be the case.

So let's call this session to a close and stop the recording on this initial session and give a moment - one minute before we change over to the next. And in that moment's break I'll tell you we'll run the next two half-hour sessions - we'll try and do them in 25 minutes or so each such that we can actually get a mini-break after the next two half-hour sessions.

END